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Chairman: Mr. Hachani ..... (Tunisia)
later: Mr. Carranza (Vice-Chairman) ..... (Guatemala)

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The meeting was called to order at 10.15 a.m.

Agenda item 110: Human rights questions

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/53/72–S/1998/156, A/53/81–S/1998/225, A/53/82–S/1998/229, A/53/83–S/1998/230, A/53/86–S/1998/240, A/53/89–S/1998/250, A/53/93–S/1998/291, A/53/95–S/1998/311, A/53/98–S/1998/335, A/53/113–S/1998/345, A/53/115–S/1998/365, A/53/268, 279, 284, 293 and Add.1, 304, 309, 313, 324, 337, 400 and 501; A/C.3/53/6, A/C.3/53/L.5)

(c) Human rights situations and reports of special rapporteurs and representatives (A/53/84–S/1998/234, A/53/114, A/53/120, A/53/182–S/1998/669, A/53/188, 322, 355, 364–367, 402, 423, 433, 490, 504, 530, 537, 539, 563; A/C.3/53/3 and 8)

(e) Report of the United Nations High Commissioner for Human Rights (A/53/36)

1. **Ms. Robinson** (United Nations High Commissioner for Human Rights) said that the commemoration of the 50th anniversary of the Universal Declaration of Human Rights gave the United Nations an opportunity to rethink and renew the ideals and principles of the Declaration. Taking that perspective, her Office had undertaken to organize a seminar, in cooperation with the Organization of the Islamic Conference, to reflect on and study the Declaration from Islamic perspectives, enriching insight into the Declaration and its implementation, and advancing understanding and respect among people.

2. In giving life to human rights, the United Nations had to be able to count on a strong human rights constituency the world over, as was the case in the field of development. The General Assembly would no doubt recognize the important contribution of fellow activists by adopting the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

3. As had been noted in a number of forums, the vision of the Universal Declaration on Human Rights, which had generated much hope, was still far from being a reality. There were many challenges on the horizon, especially in the fields of education, food, work and the environment, but also in relation to such problems as AIDS. In confronting all those needs, the lessons of the past must not be forgotten, lasting solutions must be sought and the vibrant participation of societies must be enlisted.

4. The role of catalyst had been given to her Office by the General Assembly prompted by the recognition that human rights were the responsibility of all United Nations organs. That principle guided all her own activities, during her country missions as well. She had, for instance, gone to Colombia, where she had met with Government officials and members of civil society. The human rights situation, which in that country was threatened by poverty, violence and internally displaced people, called for decisive action. She had offered her cooperation to the Government and to the civil society, and they had repeated their commitment to act to protect human rights. In China, she had signed a memorandum of intent with the Government for further work in human rights, the follow-up to which was even more relevant in the light of China's recent signature of the International Covenant on Civil and Political Rights.

5. The initiatives she had taken as High Commissioner in advancing the cause of human rights often involved difficult judgments and also unavoidable risks, as was the case for many other human rights defenders throughout the world.

6. The decision of the General Assembly to convene the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance was a recognition that the United Nations intended to take action against those evils, which were rife throughout the world. Adequate financial resources would have to be put at the disposal of the Conference.

7. Another objective of human rights was the elimination of poverty which, together with exclusion, had risen sharply in developing societies, even in a period of economic growth. A successful fight against poverty required the effective exercise of many human rights, such as access to health care, education and employment.

8. In order to better combat poverty, the international community would have to take an integrated approach that closely linked human rights and development activities, as exemplified by the seminar her Office had jointly organized with the United Nations Development Programme (UNDP) and the Norwegian Government; by the series of public meetings to speak out against poverty organized by human rights institutions in South Africa; and by the joint session of the Second and Third Committees devoted to extreme poverty and development, which had argued for a holistic

approach to issues involving economic and human rights considerations.

9. In order to carry out such an integrated strategy, the role of national structures was crucial. Her Office had therefore given priority to the rapidly increasing number of requests from Member States for assistance in establishing or strengthening national human rights institutions.

10. The overall human rights programme, a factor in the promotion of development, offered other lasting advantages, as, for instance, the impact it made on conflict prevention and resolution. To take advantage of its benefits, however, there must first be a willingness to invest. In resolution 1998/83, the Commission on Human Rights had appealed to the Secretary-General, the Economic and Social Council and the General Assembly to secure for the Office of the High Commissioner for Human Rights and for other relative components of the Organization the resources necessary for their activities. For lack of resources, her Office could not, in fact, discharge fully and professionally all the responsibilities entrusted to it. Given the needs of the international community in the area of human rights, such a situation could only compromise the credibility of the Organization as a whole.

11. Instead, the protection of human rights should become even more central to the mission of the United Nations. The focus would have to be on three main objectives: advocacy, which would ensure that all actors, both nationally and internationally, were conscious of their responsibilities; assessment, which must be done concertedly by Governments, the United Nations human rights bodies, national groups and individuals; and assistance, to be provided through technical cooperation projects and a presence in the field.

12. **Mr. Strohal** (Austria), speaking on behalf of the European Union, said that the establishment of the Office of the United Nations High Commissioner for Human Rights had been a milestone in the history of the United Nations and that the European Union applauded the determination with which the High Commissioner was carrying out her mission.

13. Regarding the High Commissioner's meeting with the heads of human rights offices in the field, the European Union would like to know what steps had been taken to implement the conclusions and recommendations that had emerged.

14. As to the funding of the Office of the High Commissioner, it wondered what specific measures the High Commissioner would recommend.

15. On the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it would be interesting to know what steps had been taken to involve non-governmental organizations and what must be done to ensure that the preparatory work at the regional level would begin on schedule.

16. The European Union agreed with the High Commissioner that the main challenge was to apply the Vienna Declaration and Programme of Action at the country level. Although that task fell to Governments, the role of the Office of the High Commissioner was nevertheless decisive, and details of the action the Office intended to take would be appreciated.

17. **Mr. Rodríguez Parrilla** (Cuba) expressed satisfaction with the work done by the High Commissioner, particularly in regard to North-South cooperation in the area of human rights and the attention given to economic, social and cultural rights and the right to development in particular. Like the High Commissioner, he believed that human rights were universal, interdependent and indivisible and that the search for a solution to poverty and exclusion must be central to human rights considerations.

18. He asked what role the Office of the High Commissioner and the relevant United Nations bodies were playing during the current crisis and what measures those institutions planned to take in order to prevent the crisis from having a devastating effect on developing countries and, in particular, on the most vulnerable groups. Lastly, he asked what additional measures were planned in implementation of the provisions of part II, paragraph 17, of the Vienna Declaration and Programme of Action.

19. **Mr. Kamitani** (Japan) said that the exercise of human rights was closely linked to the economic and political situation and traditions of individual countries and that those factors must be borne in mind in evaluating their human rights situations. He asked how the High Commissioner viewed the role of the United Nations bodies responsible for carrying out that evaluation.

20. Furthermore, while, as the High Commissioner had stated in her annual report (A/53/36), it was necessary to increase the share of the Organization's regular budget allocated to human rights, the current state of affairs made it essential to ensure that the available funds were put to the best possible use. For that reason, he wanted to know how the High Commissioner envisaged the coordination of humanitarian and development activities, which should make it possible to increase the efficiency of those activities, particularly in the field.

21. **Mr. Eldon** (United Kingdom) said that the High Commissioner, in her annual report, had stressed a rights-based approach to development which his Government fully supported. He asked what the High Commissioner considered to be the impact of that approach and how the work of her Office was coordinated with that of United Nations bodies involved in development. His Government had begun to consider ways of taking into account the areas of competence and views of non-governmental organizations (NGOs) in developing its foreign policy. For example, it had recently seconded two representatives of NGOs to the Ministry of Foreign Affairs department responsible for human rights-related matters. He asked the High Commissioner what steps she planned to take in order to involve NGOs effectively in the human rights activities of the United Nations system.

22. **Mr. Winnick** (United States of America) said that he had noted with satisfaction the fact that the annual report of the High Commissioner had stressed the need to implement a rights-based approach to development because he felt that that approach was likely to lead to considerable progress in the ongoing activities aimed at the promotion and protection of those rights, not only of NGOs but of the international community as a whole. The resources allocated to the Centre for Human Rights and, in view of the importance of those rights, for the Third Committee should be increased, subject to availability. The Economic and Social Council and the General Assembly should not delay adopting as a common goal establishment of a solid financial basis for human rights-related activities by increasing the share of the regular budget allocated for that purpose. In endeavouring to ensure the exercise of economic, social and cultural rights, it was important not to ignore civil and political rights, which the Office of the High Commissioner was also responsible for protecting.

23. He welcomed the prospect that the draft declaration on the rights of indigenous people, mentioned in paragraph 13 of the report, would soon be adopted. However, he noted that for his Government, the rights of indigenous people were not collective rights, as the High Commissioner had stated, but rather rights granted on an individual basis to each member of those groups. Lastly, he asked the High Commissioner whether greater consideration was being given to human rights in all United Nations activities associated with peace and security and what could be done to accelerate progress in that respect in United Nations bodies responsible for peace and security questions. He also asked whether steps had been taken to increase the share of the regular budget allocated to the Office of the High Commissioner and, if not, what could be done to correct that situation.

24. **Mr. Venu** (India) said that he supported the High Commissioner's justifiable emphasis in her annual report (A/53/36) on the importance of the right to development and the need for resolute action at the national level to protect human rights. However, he wondered whether the protection of those rights was meaningful for people living in abject poverty and, in that regard, noted the recent statement by the Executive Director of the United Nations Children's Fund (UNICEF), in which she stated that the current level of official development assistance (ODA) of the major developed countries had fallen to 0.2 per cent of their combined gross domestic product (GDP) in flagrant violation of the commitment to cooperation which they had undertaken under the Convention on the Rights of the Child and other instruments.

25. **Mr. Xie Bohua** (China) recalled that in July 1998, the Economic and Social Council had adopted agreed conclusions 1998/2 on the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action and asked the High Commissioner how she planned to implement those conclusions.

26. **Mr. Kanavin** (Norway) said he was pleased by the High Commissioner's emphasis in her annual report, on the need to promote and protect human rights through the use of bodies outside the United Nations system, which he considered to be one of the most encouraging aspects of United Nations action in the human rights field. He therefore awaited with great interest the High Commissioner's reply to the question asked by the representative of the United Kingdom concerning ways to involve NGOs more actively in the work of the Office of the High Commissioner. In that regard, he noted that the Office could not play its catalytic role unless all of its partners had the capacity, competence and motivation required for action. He asked the High Commissioner how she planned to deal with the business world and, in particular, with transnational corporations, now that negotiations on a multilateral agreement on investments in the field of human rights had been suspended.

27. **Mr. Metscher** (Germany) said that he welcomed the High Commissioner's initiation of dialogue with Member States and asked whether the integration of a gender perspective into the activities of United Nations bodies was proceeding apace and, in particular, what progress had been made by the recently established task force on gender mainstreaming.

28. **Ms. Robinson** (United Nations High Commissioner for Human Rights), replying to the question put by the

representative of Austria on behalf of the European Union concerning the results of the Symposium on Human Rights and Human Development held in Oslo in October 1998, said that 68 concrete recommendations had been adopted. They dealt, *inter alia*, with communication between the Office of the High Commissioner and field operations teams, communication with Governments and NGOs, training, and development of procedures. It had also been decided to ensure follow-up in those areas since field activities were absolutely essential in evaluating the needs of populations and the impact of activities undertaken on their behalf.

29. With respect to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, her Office was currently considering a preliminary draft plan of action which involved prior consultation with numerous partners, including the Council of Europe. Indeed funds had been allocated to finance that Conference, but preparations might be hindered because they would not be available until the year 2000. She welcomed the questions regarding the funding of human rights-related activities; it was a thorny question because without adequate resources, the treaty bodies and special rapporteurs did not have all the services they needed and, despite improved resource management and restructuring, her Office staff members found it difficult to do their jobs and were constantly overworked. For the same reason, her Office was unable to respond to all the requests for technical cooperation which it received (currently about 200, from over 40 countries). The requests concerned crucial areas such as capacity-building, the development of national plans of action, human rights education and the establishment of national institutions for the promotion and protection of human rights. Memorandums of understanding with Indonesia, China and Morocco and technical cooperation projects with Mongolia and Azerbaijan had been signed during the past few months, but requests for technical cooperation continued to pile up.

30. In reply to the representative of Cuba, she said that her Office played a catalytic role in three areas (advocacy, follow-up and assistance). With reference to part II, paragraph 17, of the Vienna Programme of Action, she said that her Office remained actively involved in the follow-up to, and coordinated implementation of, the Declaration and Programme of Action, which were indispensable in ensuring that United Nations human rights mechanisms were adapted to current and future needs.

31. She agreed with the representative of Japan that it was vital to use OHCHR resources effectively and to improve the coordination of human rights activities within the United Nations system. The question of coordination was high on the agenda of the Executive Committees of which she was a member and it had been discussed at length at the recent meeting of the Administrative Committee on Coordination. Major initiatives had been undertaken in 1998 to review the role of the human-rights treaty bodies. The Commission on Human Rights was currently examining their activities. For her part, she had established a small ad hoc working team with the aim of assisting the Commission in its work and, in particular, of ensuring that the activities undertaken by the human-rights treaty bodies came within the terms of reference of her Office. The results of its work should enable her to present recommendations to the Secretary-General on ways of strengthening and enhancing the functioning of those bodies.

32. Replying to the question posed by the representative of the United Kingdom concerning the practical implications of the adoption of the rights-based approach to development, she said that she was currently attempting to find practical ways of evaluating the progress achieved in giving effect to economic and social rights, to establish uniform criteria and to determine the role of the Human Development Report, with globalization as its theme in 1999. Also, she had seen to it that the Group on Nutrition would hold its next meeting concurrently with the next session of the Commission on Human Rights, which would allow for human rights to be integrated in the Commission's work on health care and nutrition. Finally, her Office was discussing the rights-based approach to development with the World Bank and the International Monetary Fund and was trying to work out strategies for applying that approach, which would grow in importance in the years to come.

33. With regard to the question posed by the representative of the United States, she said she agreed on the importance of integrating human rights in the consideration of questions of peace and security because that approach could help to maintain and consolidate peace and might even play a role in preventing conflicts to the degree that it identified their causes. That was the thrust of the question posed by the representative of India. Her Office was currently examining with its partners in the United Nations system, including the Bretton Woods institutions, ways of integrating human rights in their activities.

34. Turning to the question posed by the representative of China, she said that she also welcomed the adoption by the Economic and Social Council of agreed conclusions 1998/2, which strengthened the role of the Council in the coordinated follow-up and implementation of the Vienna Programme of Action. Her Office was now considering how to give effect to those important conclusions.

35. With regard to the alliances and partnerships concluded by OHCHR, she said that, prior to the Symposium on Human Rights and Human Development held in Oslo in October, another conference, which had brought together representatives of Governments, churches, international and national organizations, had already highlighted the need for such reunions on many issues. Not only could national plans of action benefit but also problems such as torture and the promotion and protection of human rights. She had participated in consultations aimed at making multinational companies aware of their responsibilities with respect to human rights: the world needed well-informed consumers, shareholders and employees.

36. Finally, responding to the question posed by the representative of Germany, she said that a gender perspective was being integrated in all aspects of her Office's activities, from technical cooperation to the work of the human rights treaty bodies.

37. **Mr. van der Stoel** (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq) said that, during the seven years he had served in his post, he had received very many reports of serious human rights violations committed by the Government of Iraq. Those reports, which emanated from a variety of sources, presented an alarming picture of the situation created in Iraq by one of the most repressive regimes that the world had witnessed since the Second World War. Regrettably, he was bound to report that the situation of human rights in Iraq had not improved during the previous year, and that the Iraqi Government continued to commit massive and systematic violations of the basic rights of the population.

38. Those violations took the form, first, of a complete disregard for the rights to life and security of person on the part of the Government, as illustrated by the assassination of two respected religious leaders in the region of Najaf. Those attacks were consistent with other terrorist acts directed against Shi'ite leaders and, in general, any person who might be perceived as a threat to the Iraqi Government. He would have hoped that an investigation would be carried out into the circumstances surrounding those incidents, but, as in the past, the Iraqi Government had denied any involvement in those attacks, had refused to assume its responsibilities and did not appear to have conducted any serious investigation into the matter.

39. Equally disturbing were the many reports of mass executions said to have taken place during the past year in Abu Ghraib prison. More than 170 detainees, most from the governorates of southern and north-central Iraq, were alleged to have been executed between mid-December 1997 and July 1998. According to the Iraqi authorities, they had participated in mob riots. Furthermore, cruel, inhuman and degrading punishments, including amputation, continued to be inflicted even though torture was prohibited. The Iraqi authorities, which argued that those exceptional punishments were justified by the situation in the country, and because their purpose was to reduce crime, claimed that they had not been imposed for some time. However, according to the information he had received, not only were those practices still prevalent, but they were imposed by individuals having no judicial competence, and the mere fact that they were not against the law was itself a serious violation of human rights. The Iraqi Government itself admitted that the purpose was to deter the population, through terror, from committing certain crimes. In addition to cases of torture, he continued to receive reports persons being arbitrarily arrested and detained in harsh conditions without trial, disappearances and cases of entire families forced to flee their homes because of their ethnic origin. He noted in that connection that more than 150,000 Iraqis of Kurdish origin had been evicted from the oil-rich region of Kirkuk under the Iraqi Government's policy of Arabization. The majority had fled to Iraq's northern governorates, where the humanitarian situation was becoming alarming particularly where women and children were concerned. In addition, there were more than 200,000 displaced persons in the rest of the country, largely in the south.

40. Because of the Iraqi Government's intransigence towards the United Nations, and in particular, its refusal to comply with the resolutions of the Security Council, Iraq found itself in a very difficult situation in humanitarian terms. The Government had refused to cooperate with the international community in implementing the "oil-for-food" programme, was delaying the negotiations by its shilly-shallying, had interrupted its oil sales at various times, and had accorded priority to its military programmes and to the construction of glamorous buildings, to the detriment of the Iraqi people, particularly the most vulnerable groups. Finally, it must also be recalled that the Iraqi Government still had done nothing to resolve the matter of the hundreds of persons reported missing after the occupation of Kuwait by Iraq in 1990–1991. The international community could not accept such a situation without protest and remain indifferent to the sufferings of the Iraqi people. It must pursue its efforts in the interest of collective security, peace and economic and social development.

41. **Mr. Al-Humaimidi** (Iraq) said that, having heard the statement by the Special Rapporteur and having read his report on the situation of human rights in Iraq (A/53/433),

he wished to stress that the bulk of the information contained therein was a reiteration of the false charges which the Special Rapporteur was continually making. They had nothing to do with the question of human rights and were aimed at discrediting the Iraqi regime. His delegation again wished to reiterate that the information on which the report was based emanated from sources hostile to Iraq, and was therefore neither credible nor reliable. Referring to the question of civil and political rights in Iraq, the Special Rapporteur had focused on three points, namely extrajudicial executions, arbitrary detentions, and cruel and unusual treatment and punishments. His delegation, which was anxious to avoid vague statements and generalizations like those contained in the report of the Special Rapporteur, wished to refute those accusations point by point.

42. In the first place, it was clear that the Special Rapporteur had greatly exaggerated the extent of the so-called "prison cleansing campaign". In reality, those who had been executed had been dangerous criminals sentenced after a fair trial. He emphasized that in view of the extremely difficult situation created in Iraq by the embargo, the Iraqi authorities could not allow individuals to threaten the security of the population or the stability of society. With respect to the so-called "political killing" of two ayatollahs which the Special Rapporteur attributed to the Iraqi authorities, he pointed out that the persons responsible for those crimes had been arrested and had made full confessions which had subsequently been broadcast on television. The Special Rapporteur's report also stated that a journalist had been arrested; that, too, was incorrect, as the journalist himself would confirm. Finally, while the cruel and unusual treatment and punishment mentioned by the Special Rapporteur had, in fact, existed in Iraq at one time, that practice was no longer in effect and the Centre for Human Rights and many non-governmental organizations (NGOs) had been so informed.

43. The Special Rapporteur's report also dealt at length with the food and health situation in Iraq and, in that regard, claimed that the Government of Iraq was solely responsible for the suffering of Iraqi people and for difficulties in implementing the "oil-for-food" programme because it was allegedly discriminatory. Again, those accusations were groundless since the Iraqi Government, which had endured the unjust embargo imposed on it since 1990, had done everything in its power to alleviate the people's suffering. It had set up a system of ration cards and was carrying out a food distribution programme monitored by many United Nations observers who, to date, had not reported any irregularities.

44. In conclusion, it was clear that the Special Rapporteur, in the exercise of his mandate, had not taken into consideration the provisions of General Assembly resolution 52/131, which stated that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of non-selectivity, impartiality and objectivity and requested the Special Rapporteurs and representatives to take that fact duly into account in carrying out their mandate. His delegation deplored the Special Rapporteur's deliberate abuse and failure to respect those principles. His purpose seemed to be to slander, and even overthrow, the Iraqi Government by misusing his mandate in flagrant violation of the Iraqi people's right to self-determination. His delegation therefore categorically and entirely rejected all of the allegations contained in the Special Rapporteur's report.

45. **Ms. Al-Awadi** (Kuwait) said that the question of human rights was of particular importance in Kuwait, where the Constitution guaranteed everyone the right to an education, the right to work and freedom of opinion, assembly and movement. Kuwaiti society was based on fundamental principles such as justice, freedom, equality, cooperation, the rule of law and respect for human rights.

46. The entire Kuwaiti population was suffering from the procrastination of the Iraqi Government, which was holding up the release of Kuwaiti and other prisoners and detainees. Although the international community had been urging Iraq to comply with Security Council resolutions and the rules of international law since the liberation of Kuwait in 1991, Iraq continued to equivocate in order to withhold information from the Tripartite Commission on the fate of hundreds of Kuwaiti and other prisoners and detainees, victims of Iraq's illegal occupation of Kuwait. She reiterated that Iraq must meet its obligations in that regard under Security Council resolutions, particularly resolutions 686 (1991) and 687 (1991) by, *inter alia*, giving international humanitarian organizations free access to prisons and allowing them to meet privately with prisoners. Despite that documented state of affairs, Iraq had never cooperated in resolving that situation at the meetings of the Tripartite Commission in Geneva or the Commission's technical subcommittee. Her Government would spare no effort to achieve the release of the prisoners and detainees so that they could rejoin their families and friends.

47. The conclusions and recommendations in the report of the Special Rapporteur (A/53/433) showed a deterioration in the situation of human rights in Iraq. The Commission on Human Rights remained extremely concerned because there was no separation of powers between the executive, legislative and judiciary branches and all powers were in the

hands of a single leader, who was not accountable for his actions and who was not bound by any laws safeguarding human rights and fundamental freedoms, with the result that violations of civil and political rights were rampant. The situation was in flagrant violation of the principles of international humanitarian law and called for the international community's decisive intervention in order to end the suffering of the Iraqi people.

48. Her Government welcomed the adoption of Security Council resolution 1111 (1997), which reaffirmed the provisions of resolution 686 (1991) and 1153 (1998), in which the Council authorized Iraq to increase its oil sales in order to mitigate the suffering of its Iraqi brothers. As the Special Rapporteur had emphasized in his report, the Iraqi Government should continue to comply with its obligations with respect to food and health care; if the Iraqi authorities had not waited five years before agreeing to the "oil for food" programme proposed in Security Council resolutions 706 (1991) and 712 (1991), millions of innocent people would not have had to suffer. Furthermore, the reason why that situation remained precarious despite the enlargement of the programme was that the Iraqi Government was implementing the programme selectively and inequitably and was opposing the establishment of the "ongoing" programme recommended by the United Nations, concentrating instead on its military build-up and on the construction of palaces.

49. Kuwait would continue to champion human rights in all international and regional organizations and to participate in all international meetings devoted to that issue. It was also committed to cooperating with all United Nations bodies and NGOs out of a conviction that such cooperation could strengthen respect for human rights on a global scale.

50. **Mr. Theuermann** (Austria) said that, unfortunately, there had been no change in the situation in Iraq and that the Iraqi Government still refused to cooperate. He asked whether the large number of political detainees whose cases had been processed by the Public Security Directorate of Ta'mim gave an accurate picture of the situation in the rest of the country and whether the Special Rapporteur had any additional information in that regard. He also wondered whether the Iraqi Government had provided any information concerning the murder of two respected ayatollahs in April and June 1998, why the Iraqi authorities required citizens to prove that they had resided in a location for six months in order to receive food rations, why Baghdad was better supplied with pharmaceutical products than the rest of the country and whether the Special Rapporteur had obtained additional information concerning the seven amputations ordered as a criminal sentence by an individual with no jurisdiction in that regard.

51. **Mr. Winnick** (United States of America) said that the updated information provided by the Special Rapporteur and the representative of Iraq's reply were of great interest. The situation in Iraq had not improved, but the international community could not allow it to go unnoticed. He requested further information on the murder of the two ayatollahs, the "prison cleansing campaign", the waves of executions and the measures taken by the authorities to alleviate the suffering of the Iraqi people, which should enjoy equal access to the food imported in exchange for oil. He also pointed out that if the representative of Iraq wished to find in the Special Rapporteur's report the facts, and only the facts, concerning the situation in that country, his Government had only to allow the Special Rapporteur to visit Iraq as it was required to do under various human rights instruments and Security Council resolutions.

52. **Mr. van der Stoel** (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq) noted that as usual the representative of Iraq was accusing him of having produced false information in his report, but the Iraqi Government was not only denying him access to its territory but was also failing to reply to his letters, thereby significantly complicating his task. He had previously proposed that the Iraqi authorities allow monitors to move about freely within the country, but that proposal had been rejected.

53. Replying to the questions put by the representatives of Austria and the United States of America, he pointed out that it was difficult to estimate the number of political prisoners but, in practice, anyone suspected of being opposed to the Government was putting his life in danger. The representative of Iraq had not denied that some prisoners had been executed but he had labelled them murderers and criminals. It was important, of course, to agree on a definition of those terms.

54. With regard to the established practice in distributing food aid, he considered that the six months' residence requirement enabled the Iraqi Government better to control the population and its movements. On the other hand, he did not know why pharmaceutical products were more plentiful in Baghdad than in the rest of the country.

55. Lastly, with regard to amputations, he had been informed that that form of punishment was once again being applied. Although the representative of Iraq had indicated that the punishment was no longer being administered, he had not confirmed that the laws prescribing it had been repealed. Therefore, the Iraqi Government would do well to rescind them without further delay.

56. **Mr. Amor** (Special Rapporteur of the Commission on Human Rights on the Question of Religious Tolerance), presented his fourth interim report on implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/53/279). Since the 54th session of the Commission on Human Rights he had addressed 64 communications to States, and, since drafting his report, had received replies from Bangladesh, Belarus, Egypt, Greece, the Islamic Republic of Iran, the Lao People's Democratic Republic, Morocco, Romania, Saudi Arabia, Slovakia and Turkey. He emphasized that those communications had not been exhaustive in terms of the number, type or seriousness of incidents or of the States in which incidents had occurred, and that caveat was spelled out in paragraph 32 (b) of his report. It was also clear that the communications did not apply to all religions or beliefs, as was pointed out in paragraph 33 of the report.

57. He had addressed three urgent appeals to the Islamic Republic of Iran regarding the Baha'i, two of whom had been condemned to death apparently because of their religious belief. It was extremely important for the Islamic Republic of Iran to reconsider its attitude towards the Baha'i faith not only in compliance with its international commitments but also because it was incumbent upon the State, which was responsible for all its citizens, to offer protection to each individual and each minority which had rights and obligations and was therefore worthy of respect and consideration.

58. He had also made an urgent appeal to the Sudan regarding the arrest and disappearance of a student who had abandoned the Islamic faith in favour of Christianity, accompanied by a reminder that freedom of religion, as the Human Rights Committee had pointed out, presupposed the freedom to change one's religion.

59. The past year had been notable for violations of the right to life, to security of person, to health, to freedom to manifest one's religion, to recognition of the status of religious property, to proselytize, and to freedom of worship.

60. Recalling *in situ* visits, he said that he had visited the United States in 1998 and was in the process of writing his report. Moreover, he had just completed an instructive though difficult visit to Viet Nam and would be submitting his report to the Commission on Human Rights in 1999. No replies had yet been received to requests to visit Turkey, Israel and the Russian Federation.

61. In order to frame his mandate in more positive terms, its title should be altered by dropping the word "intolerance", which antagonized some parties and did not facilitate dialogue on the subject of freedom of religion and belief.

62. In order to strengthen the special procedures, the independence of the Special Rapporteurs should be more strongly protected and the material resources placed at their disposal should be increased. Also a greater effort should be made to rationalize and coordinate activities without jeopardizing the free will and particular responsibilities of the Special Rapporteurs. A United Nations annual report on human rights could be issued, dealing with all countries systematically, without being selective and without regard for their circumstances, that would report on their positive contributions as well as on other factors which characterized their policies and legislation.

63. Moreover, increased attention should be given to the situation of women in the context of religion. It was inadmissible that the obscurantism of the Taliban in Afghanistan, for example, was reducing women to an unacceptable status.

64. Dispassionate and unbiased consideration should also be given to the question of sects so that freedom of religion and belief could not be used as a trap for some and an alibi for others.

65. Religious extremism, from which no society and no religion was immune, must be unequivocally condemned by States generally and by the international community in particular and fought without yielding ground.

66. **Mr. Theuermann** (Austria) asked to what extent the standard rules and principles of conduct and behaviour in respect of religious extremism referred to in paragraph 89 of the report (A/53/279) differed from the international standards of behaviour related to the elimination of intolerance in general. With regard to the crucial role of education, which was stressed in paragraphs 8 to 15 of the report, and the questionnaire on problems relating to freedom of religion and belief in the context of the curricula and textbooks of primary and secondary educational institutions, referred to in paragraph 10 of the report, his delegation would like to know whether the Special Rapporteur planned to propose the use of specific materials in those institutions. It would also like the Special Rapporteur to provide information on the extent to which the project to develop an international compendium of constitutional and legislative provisions concerning religion and belief, referred to in paragraph 4 of the report had advanced, and how it was proposed that the compendium eventually be used.

67. **Mr. Winnick** (United States of America) said that his country was pleased to host the Special Rapporteur and was awaiting the report on his visit with interest.

68. With regard to the death sentence on the two Baha'is in the Islamic Republic of Iran, referred to in paragraph 54 of the report, his delegation would like to know whether, as a result of the Special Rapporteur's interventions, there was any hope that they would not be executed for their religious beliefs.

69. **Mr. Arda** (Turkey) thanked the Special Rapporteur for having mentioned that he had received a reply from Turkey regarding the allegations referred to in the report and pointed out that the reply related only to incidents in Turkey itself.

70. The Turkish authorities were about to inform the United Nations High Commissioner for Human Rights that they agreed in principle that the Special Rapporteur might visit Turkey in 1999.

71. **Mr. Amor** (Special Rapporteur on religious intolerance) said that he had decided to undertake an in-depth study of religious extremism, with a view to elaborating a set of minimum rules of conduct and behaviour of States in that area, because the phenomenon of religious intolerance involved specific issues on which the views and responses of States varied considerably and because the existing norms did not address all aspects of the problem.

72. With regard to the emphasis on education, he noted that dealing with problems of intolerance and discrimination was not enough; the problems must be prevented. That could be done not only through economic measures and action aimed at combating poverty, but also, and primarily, through education. Existing educational systems, particularly at the primary and secondary levels, did nothing but communicate indifference, if not hostility, towards the religious beliefs of others. With the authorization of the Commission on Human Rights, he had conducted a survey to which some 80 States had replied. Not enough use had been made of the voluminous and well-documented replies because of a lack of resources. It was hoped that that problem could be remedied thanks to the financial contribution made by Norway.

73. He had taken the initiative in asking States to provide information on their institutional and legislative rules relating to freedom of religion and belief, so as to prepare a compendium that would allow for an assessment to be made of the situation and of incidents that had occurred in different States. Such a work could be useful from the educational standpoint, since the dissemination of different national legislations might encourage some States to reflect on their own laws.

74. He informed the United States delegation that two Baha'is had been sentenced to death in the Islamic Republic of Iran. The Iranian authorities, who had always been forthcoming with the Special Rapporteur, had confirmed that news; they had explained that the individuals in question had lodged an appeal, and had assured him that all legal procedures would be respected. It was to be hoped that they would eventually be freed, as they had merely been exercising their freedom of religion, a freedom to which the Islamic Republic of Iran had consented by ratifying the International Covenant on Civil and Political Rights, thus committing the entire nation to its observance.

75. He thanked Turkey for having agreed in principle to a visit by the Special Rapporteur to that country. The Turkish Government could rest assured that he would be happy to cooperate, for the sake of freedom of religion and of belief.

76. *Mr. Carranza (Guatemala), Vice-Chairman, took the Chair.*

77. **Mr. Garretón** (Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo), introducing the preliminary report which had been requested of him by the Commission on Human Rights in its resolution 1998/61, said that the situation of human rights in the Democratic Republic of the Congo had not improved in 1998. In fact, internal disputes had increased since the beginning of the conflict that had broken out on 2 August in the eastern part of the country. Ethnic conflicts had continued, and reprisals had been taken not only against high-level officials of the previous dictatorship, but also against the democratic opposition, non-governmental organizations, journalists, human rights advocates and political personalities.

78. Moreover, the democratic process which had begun in 1990 and been suspended during the war of 1996 had not been resumed as planned. The draft constitution did not satisfy the majority, which preferred the agreements reached at the National Sovereign Conference of 1992. The President had very broad powers which had been further reinforced by the amendment to Decree-Law No. 74 of 25 May. The fact that President Kabila had expressed willingness not to suspend the electoral process was an encouraging sign. The committee which President Kabila himself had established to review the draft constitution and which had submitted some proposals in October, particularly on the electoral census, might eventually facilitate democratization. The

creation of a Ministry of Human Rights was also an encouraging development.

79. There were still reports of very serious violations of the right to life, to physical and psychological integrity, to liberty of person, to freedom of association, to freedom of expression and opinion and to due process. The widespread application of the death sentence by the military court, after irregular trials, was also a matter of grave concern, as were the discriminatory measures against women and the fact that the people were not able to exercise their economic, social and cultural rights.

80. It was deplorable that even though the policy of promoting ethnic hatred that had been adopted in response to the unjustified war in the east of the country had been discontinued, many lives had been lost and many people had been detained because of their ethnic background. Human rights violations were most frequent in the east, which was controlled by rebel forces supported by foreign troops. There had been massacres of soldiers and of nuns and priests, manhunts against the Mai-Mai, rape, suppression of freedom of expression and association and threats against non-governmental organizations.

81. The Congolese Government had not cooperated at all with the Special Rapporteur, the joint mission, other mechanisms of the Commission on Human Rights, or the Secretary-General's Investigative Team. It was encouraging to note, however, that the Minister for Foreign Affairs had recently stated in the General Assembly that the crimes perpetrated by Rwandan forces against Hutu refugees were comparable to those denounced by the Special Rapporteur, the joint mission and the Secretary-General's Investigative Team. President Kabila had made a similar statement at the summit meeting of States belonging to the Movement of Non-Aligned Countries.

82. It was to be hoped that the Government might change its attitude towards the Special Rapporteur and the Commission on Human Rights, and that an honest dialogue and real cooperation would begin which would enable the Congolese people to live in a democratic State under the rule of law. The role of the Special Rapporteur was limited to verifying whether the country was respecting the Universal Declaration of Human Rights and other instruments to which it was a party.

83. He recommended the expansion of the competence of the International Criminal Tribunal for Rwanda or the establishment of another international criminal tribunal in order to make it possible to try everyone involved in the crimes committed between 1 January 1994 and 31 December 1997. Witness protection measures should also be taken. The Government of the Democratic Republic of the Congo should put an end to all persecution and to the operation of the military court and its practice of ordering summary executions. It should restore the political parties, as well as freedom of association and freedom of expression. The Security Council, for its part, had requested the Governments of Rwanda and of the Democratic Republic of the Congo to investigate and submit a preliminary report on the massacres that had occurred.

84. The Congolese Government must pave the way for the establishment of democracy, allowing the full participation of all groups, and taking a flexible approach to the popular will.

The meeting rose at 1 p.m.